

ASSEMBLY BILL

No. 2108

Introduced by Assembly Member Eggman

February 20, 2014

An act to amend Section 65962 of the Government Code, relating to flood management.

LEGISLATIVE COUNSEL'S DIGEST

AB 2108, as introduced, Eggman. Sacramento-San Joaquin Valley: flood management.

Existing law prohibits, after the general plan amendments and zoning ordinance amendments have become effective, each city and county within the Sacramento-San Joaquin Valley from approving specified permits that would result in specified construction located within a flood hazard zone unless the city or county makes one of 4 specified findings.

This bill would make a technical, nonsubstantive change to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65962 of the Government Code is
2 amended to read:
3 65962. (a) Notwithstanding any other law, after the
4 amendments required by Sections 65302.9 and 65860.1 have
5 become effective, each city and county within the Sacramento-San
6 Joaquin Valley shall not approve a discretionary permit or other
7 discretionary entitlement, or a ministerial permit that would result

1 in the construction of a new residence, for ~~a~~ *any* project that is
2 located within a flood hazard zone unless the city or county finds,
3 based on substantial evidence in the record, one of the following:

4 (1) The facilities of the State Plan of Flood Control or other
5 flood management facilities protect the project to the urban level
6 of flood protection in urban and urbanizing areas or the national
7 Federal Emergency Management Agency standard of flood
8 protection in nonurbanized areas.

9 (2) The city or county has imposed conditions on the permit or
10 discretionary entitlement that will protect the project to the urban
11 level of flood protection in urban and urbanizing areas or the
12 national Federal Emergency Management Agency standard of
13 flood protection in nonurbanized areas.

14 (3) The local flood management agency has made adequate
15 progress on the construction of a flood protection system which
16 will result in flood protection equal to or greater than the urban
17 level of flood protection in urban or urbanizing areas or the national
18 Federal Emergency Management Agency standard of flood
19 protection in nonurbanized areas for property located within a
20 flood hazard zone, intended to be protected by the system. For
21 urban and urbanizing areas protected by project levees, the urban
22 level of flood protection shall be achieved by 2025.

23 (4) The property in an undetermined risk area has met the urban
24 level of flood protection based on substantial evidence in the
25 record.

26 (b) The effective date of amendments referred to in this section
27 shall be the date upon which the statutes of limitation specified in
28 subdivision (c) of Section 65009 have run or, if the amendments
29 and any associated environmental documents are challenged in
30 court, the validity of the amendments and any associated
31 environmental documents has been upheld in a final decision.

32 (c) This section does not change or diminish existing
33 requirements of local flood plain management laws, ordinances,
34 resolutions, or regulations necessary to local agency participation
35 in the national flood insurance program.